

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MIYACHI et al.

Atty. Ref.: 1035-326

Serial No. 09/866,797

Group: 2871

Filed: May 30, 2001

Examiner: Nguyen, H.

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For: LIQUID CRYSTAL DISPLAY APPARATUS

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated September 24, 2003, Applicant elects Species C (the species of Fig. 20, claims 42-71 and 72-107) for further prosecution in the event no generic claim is finally held to be allowable. Applicant deems claims 72-107 to be dependent on the claims of Species A through C, based on how the Species correspond to claims as described below.

- (i) Species A: Fig. 1, corresponding to claims 1, 3-7, 10-15, 17-22, 24-29, 31-36, 38-41 and 72-107;
- (ii) Species B: Fig. 17, corresponding to claims 2, 9, 16, 23, 30, 37 and 72-107; and

(iii) Species C: Fig. 20, corresponding to claims 42-71 and 72-107.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained.

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The Commissioner is authorized to charge the undersigned's deposit account no. 14-1140 in whatever amount is necessary for entry of this Amendment and the continued pendency of the captioned application, including but not limited to any extension of time fees.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
NIXON & VANDERHYE P.C.

October 21, 2003

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